

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SANTOS ORTIZ, individually and on behalf
of all others similarly situated,

Plaintiff,

-against-

ORDER
CV 08-368 (JS)(ARL)

T& E ENTERPRISE OF NEW YORK, INC.,
d/b/a FAMILY DELI, EVANGELINE RAE BOUTIN,
an individual and THOMAS RAE, an individual,

Defendant.

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LINDSAY, Magistrate Judge:

Before the court is plaintiff's letter motion requesting that a status conference be held by the undersigned and that Thomas Rae and Evangeline Rae Boutin be ordered to appear. For the reasons set forth below, that request is denied.

On January 28, 2008, the plaintiff commenced this action against T&E Enterprises, Thomas Rae, and Evangeline Rae Boutin. Alan Pearl & Associates appeared on behalf of T&E and Thomas Rae and Martin Silver, P.C. appeared on behalf of Evangeline Rae Boutin. On December 23, 2008, Alan Pearl & Associates filed a motion seeking to be relieved as counsel. That motion was granted by Judge Seybert on December 31, 2008. Although Judge Seybert endorsed the notice of motion, it is not clear whether she intended to adopt the language providing the defendants with only thirty days to obtain counsel. Given the fact that T&E cannot appear *pro se*, the court will give T&E and Thomas Rae an additional thirty days to obtain new counsel. Accordingly, on or before March 2, 2009, T&E and Thomas Rae shall advise the court, in writing, of the status of their representation. Although Mr. Rae may proceed *pro se*, T & E is warned that failure to obtain counsel may result in the plaintiff seeking sanctions, including the striking of the defendant's answer and the entry of a default judgment.

Counsel for the plaintiff is directed to serve a copy of this motion on the defendants T & E and Thomas Rae by certified mail, return receipt requested.

Dated: Central Islip, New York
February 13, 2009

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge